

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA; and
NINE NAMED FEDERAL EMPLOYEES,

Plaintiffs,

CIV. NO. S-04-1263 FCD GGH PS

vs.

WILLIAM J. BIGGS and BETTY BIGGS,

Defendants.

ORDER

The court is in the process of reviewing the government's motion for summary judgment, and finds that a supplemental declaration is required to respond to questions raised by the motion. It is unclear from the papers exactly what the lineage is to the property upon which the disputed structures stand. For example, the government refers to prior ownership by the Leonards, dating back to 1933, as well as prior ownership by P.D. Vail, dating back to 1974. Although it appears that the Biggs purchased a portion of Vail's mining claim, it also appears that Vail sold part of it to Ed Brunciser and Bep Athanassion. Moreover, no attempt at factual linkage is shown between the Crescent claims owned by Biggs and the "P.D. Vail mining claims." Before the court can decide the government's motion, it will require a supplemental declaration, with supporting documents, setting forth lineage to the mining claims upon which the disputed structures are located.

Accordingly, IT IS HEREBY ORDERED that the government shall file a supplemental declaration within twenty days of this order.

DATED: 8/22/07

/s/ Gregory G. Hollows

GREGORY G. HOLLOWSS
U. S. MAGISTRATE JUDGE

GGH:076:USBiggs1263.sup.wpd